

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	14-00206-01-CR-W-DGK
DAYTON A. TRUSSELL,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On October 9, 2014, defendant filed a motion for judicial determination of mental competency. He was examined by Gordon Zilberman, Ph.D., a forensic/clinical psychologist, in San Diego, California, who prepared a report dated January 28, 2015, which was received and docketed on March 18, 2015.

On March 30, 2015, I held a competency hearing. Defendant was present, represented by Assistant Federal Public Defender Carie Allen. The government was represented by Assistant United States Attorney Jeffrey McCarther. The parties stipulated to the contents and findings of Dr. Zilberman (Tr. at 2).

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that the defendant is competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant competent to stand trial and to assist in his defense.

Counsel waived the 14-day objection period set forth in 28 U.S.C. § 636(b)(1) (Tr. at 3). Any objections to this Report and Recommendation shall be filed by April 1, 2015.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
March 30, 2015